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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,756	08/21/2001	Allan B. Lamkin	71714	8902

22242 7590 02/14/2005

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,756	Applicant(s) LAMKIN ET AL.	
	Examiner Raymond J. Bayerl	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 60 is/are pending in the application.
- 4a) Of the above claim(s) 11 - 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15 sheets</u> | 6) <input type="checkbox"/> Other: ____ |

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, drawn to Video Interface, classified in class 715, subclass 719.
 - II. Claims 11-12, 14, and 23-28, drawn to Specified Disc Drive, classified in class 369, subclass 30.46.
 - III. Claims 13, and 29 drawn to Session/Connection, Parameter Setting, classified in class 709, subclass 228.
 - IV. Claims 15-17, drawn to Remote Data Accessing, classified in class 709, subclass 217.
 - V. Claim 18, drawn to Track Data Format/Layout, classified in class 369, subclass 275.3.
 - VI. Claims 19-20, drawn to File Allocation, classified in class 707, subclass 205.
 - VII. Claims 21-22, drawn to Initialization, classified in class 709, subclass 222.
 - VIII. Claims 30-60, drawn to Computer/Computer Data Streaming, classified in class 709, subclass 231.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a media services interface for use in controlling the

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Art Unit: 2173

extraction of information. In the instant case, invention II has separate utility such as integrating playback of disparate media source in a device. In the instant case, invention III has separate utility such as logging consumer interaction with network resource. In the instant case, invention IV has separate utility such as determining if a platform supports a multimedia content. In the instant case, invention V has separate utility such as a hybrid disk. In the instant case, invention VI has separate utility such as a directory structure. In the instant case, invention VII has separate utility such as determining a program to execute responsive to the insertion of a readable medium in a playback device. In the instant case, invention VIII has separate utility such as an information storage medium. These separate utilities do not necessarily involve the utilities found in other groups.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

4. After a telephone conversation with Julie Hopper on January 19, 2005, an election was made without traverse to prosecute the invention of I, claims 1-10. Claims 11-60 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The present abstract is well in excess of 150 words.

6. The drawings are objected to because there is no reference numeral "410" in fig 4 (page 14, lines 5 – 14), no reference numeral "505" in fig 5 (page 18, line 13), no reference numeral "628" in fig 6 (page 20, lines 17 – 32) and in fig 7, reference numeral 410 is shown as pointing to two separate components.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The disclosure is objected to because of the following: at page 14, line 7, "(424)" appears to be entered where "420" should have been at that particular instance.

8. The disclosure is further objected to because of applicant's inclusion of the reference material regarding commands, properties, etc., at page 51 – 213 of a specification that applicant would have print as a patent. The material is unneeded for essential support of the claimed invention (and indeed, it has no correspondence to the figures as in the first 51 pages), and it needlessly distracts the reader from that which is essential. The Examiner might suggest that the directory of reference material be incorporated instead as a microfiche or electronic appendix.

Appropriate correction is required, regarding the objections to the disclosure.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini et al. ("Mobini"; US #6,564,255 B1) in view of Wolzien ("Wolzien"; US #6,233,736 B1).

As per independent claim 1's "system" that coordinates between "a network" and "a removable media", Mobini, in ENABLING INTERNET ACCESS WITH DVD BITSTREAM CONTENT, uses an interactive DVD browser for read-only discs, and is capable of accessing remotely located data over the Internet (Abstract). This will provide access to a multitude of additional sources of presentation and navigation data (col 2, lines 52 – 61).

Mobini, besides disclosing basic "computing device" items such as "a network", "display" and "storage device" (see fig 1), also teaches a "browser having a presentation engine" (DVD Presentation Engine 210, fig 4), an "application programming interface" (the computer 206 includes a driver, not shown, for enabling the operating system in the

Art Unit: 2173

computer 206 to control and exchange information with the drive 204, along with a control and playback program; col 5, lines 8 - 20), "a decoder" (decompression and decoding routines; col 5, lines 21 - 29) and "a navigator" (DVD Navigation Engine 208, fig 4). In coordinating Internet and read-only discs, the Navigation Engine is capable of "facilitating user or network originated control of the playback of said removable media"—a web site could emulate a DVD player (col 3, lines 27 - 31).

Mobini, while showing this much to read on applicant's claims, is still limited to alternative operations when it comes to sourcing the display data from a DVD versus HTML Source, as seen in fig 4, and thus does not ^{teach}~~explicitly~~ "combining said network content with said media content", so that the "presentation engine" might display "said combined network content and media content on said display".

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However, Wolzien's MEDIA ONLINE SERVICE ACCESS, in which an online information services provider is connected via an address embedded in a video or audio program that can originate from pre-recorded media (Abstract), uses an access controller 10 by which Information signals received from an online information provider may be displayed as still or moving images in place of the ordinarily displayed video signal...or may be displayed as part of a "picture within picture" display (col 7, line 43 - col 8, line 5).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to implement the "browser", "application programming interface" and "navigator" as set forth in Mobini, but with a "combined" presentation of "network" and "media content" as seen in Wolzien, so as to better integrate the overall

Art Unit: 2173

viewing experience. Motivation for the modification of Mobini resides in its indication that separate presentation and navigation must be used for DVD and non-DVD sources, a changeover problem that would be resolved with the common display of Wolzien.

12. Claims 2 – 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini in view of Kelly et al. ("Kelly"; US #5,907,322).

Independent claim 2's "media services interface" centers more upon the "handler" components that execute "commands" related to "extraction of information from a readable medium". In certain ways, the control and playback program taught by Mobini reads upon the claim, since "a command handler" is needed to execute the DVD and non-DVD commands as needed, and some indication of ongoing "properties" and "state of a system attribute" must be maintained in order to keep the sequence of operations proper, just as an incoming "event" must be properly handled.

Where claim 2 substantially differs from Mobini is in the matter of "a cookie manager...for preserving information for later recall", so as to augment the operation of "a navigator state module". However, in Kelly's TELEVISION EVENT MARKING SYSTEM, where associated internet locations or website hotlinks can be matched with TV broadcast events (Abstract), viewer identifying data, such as particular demographic data, for example, the postal code of the viewer's location (col 3, lines 4 – 10) are developed. This identification of a viewer in Kelly is "for later recall" when the internet locations are accessed, and provide contextual information to the server in a style that reads upon the operation of a "cookie".

Thus, it would also have been obvious to the person having ordinary skill in the art to expand the variety of “system attribute” values maintained by a “property handler” of the kind generally inherent in Mobini, by using Kelly’s viewer identifying data to present a “cookie” of information, because this also improves the user’s viewing and/or web-browsing experience, via the “navigator state module” that must be in place in Mobini to conduct proper “information extraction from said readable medium”.

The “bookmark manager” of claim 3 is a central feature of Kelly’s activating select button 15 to bookmark a particular broadcast event (col 2, lines 41 – 65). This is a marking of “a position in an information stream”, and in combination with Mobini, it can be “extracted from said readable medium”. When a “command configured to retrieve a stored bookmark” (claim 5) is then received in Kelly, “a return to a position” then takes place.

Claim 4’s addition of the retrieval of “medium identifier comprising information unique to said readable medium” follows as being inherent in a system like Kelly’s modification of Mobini, where to reach the proper place, it must be uniquely specified and accessible as thus. This will form the basis of operations for claim 10’s “identifier engine”.

The “command for connecting to a network” (claim 6) and for “closing a previously established connection” (claim 7) are to be expected in a video/computing arrangement like either of Mobini or Kelly, where connections are only established as needed.

The “property indicating the type of ROM data” (claim 8) is suggested by Kelly, in the same manner as is the “medium identifier”—when placing a “bookmark” in a stream, Kelly needs a reference to where the data can be found, and this could extend to specification of storage type.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mobini in view of Kelly and Wolzien.

Mobini and Kelly, while teaching the joint access of local and remote resources, do not **explicitly** set forth a suggestion that “a code routine for ascertaining the full screen mode state of said screen” is provided. However, Wolzien, as noted above, operate either in a full-screen or “picture within picture” mode, and thus need to have an indication of which mode is in place, to obtain a proper display.

It would therefore have been additionally obvious to the person having ordinary skill to have a “code routine” that ascertains the screen mode as must be accounted for in Wolzien in the combined Mobini/Kelly “state”-managing “interface”, so that the combined display can properly appear. When Mobini’s motivation to combine the two disparate sources is implemented by Wolzien, this kind of control becomes necessary.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The remaining additional references made of record (see attached form PTO-892) are related to applicant’s general problem of interfacing a “readable medium” to a larger computer system that responds to it.

Art Unit: 2173

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - F from 9:00 AM to 4:00 PM ET.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

8 February 2005